

February 28, 2011

MEETING OF THE MONTGOMERY COUNTY BOARD OF ELECTIONS  
18753-210 North Frederick Avenue, Gaithersburg, Maryland

In Attendance:

Board Members:

Jerrold Garson, President  
John Sullivan, Vice President  
Nancy Dacek, Secretary  
Nahid Khozeimeh  
Mary Kiraly  
Lucia Nazarian

Staff:

Margaret Jurgensen, Election Director  
Sara Harris, Deputy Election Director  
Susan Campbell  
John Chapman, Supply Clerk  
Laletta Dorsey, Registration Coordinator  
Jerry Quarshie, IT Technician II  
Marjorie Roher, Management and Budget Specialist III  
Shafiq Satterfield, IT Specialist I  
Ryan White, Polling Place Supply Coordinator  
Gilberto Zelaya, Outreach Coordinator  
Kevin Karpinski, Legal Counsel  
Renee Adams, Election Aide

Guests:

Holly Joseph  
Mary Ann Keeffe  
Barbara Sanders, League of Women Voters of Montgomery County

Mr. Garson called the meeting to order and declared a quorum present at 2:30 p.m.

**Public Comments**

Ms. Roher stated that no had one requested to address the Board.

## **Additions/Changes to the Agenda**

Ms. Jurgensen requested an addition to the agenda to discuss Performance Measures under New Business and an Executive Session to discuss legal issues, the County Executive's FY12 Budget, and previous minutes.

## **Employee Recognition**

Ms. Roher distributed length of service awards to staff that served 5 years or more with Montgomery County. The following staff members received an award: John Chapman (15), Laletta Dorsey (15), Marjorie Roher (25), Shafiq Satterfield (5), Ryan White (5), and Gilberto Zelaya (10). Ms. Roher stated that the following staff, who were unable to attend the meeting, would also receive length of service awards: Michelle Gonda (10), Betty Ann Lucy (25), and Brian McKevitt (5).

## **Approval of January 24, 2011, Minutes**

Minutes from the January 24, 2011, meetings were distributed for review. Two minor corrections were requested. A motion was made by Mrs. Khozeimeh to approve the January 24, 2011, minutes as amended. The motion was seconded by Mr. Sullivan and carried unanimously.

## **Election Director Status Reports**

### **Budget**

Ms. Jurgensen reported that the budget is on track. She stated that the State Board of Elections recommends that Montgomery County purchase an additional 56 electronic poll books. She explained that the Board originally requested funding from the county to purchase an additional 200 electronic polls books in 2006 to assist in processing the voters. Ms. Jurgensen stated that BOE was denied but were able to purchase 50 EPBs. She reported that staff was recently notified that the EPBs are discounted in price from the original cost of \$5000 to \$1600 with printer and case included and noted that staff is investigating the potential purchase of 60 additional units especially in light of proposed additional Early Voting Centers.

Ms. Jurgensen stated that overtime is anticipated for staff to attend spring events to recruit Election Judges in April, May, and June and conduct the Student Member of the School Board Election. She added that an invoice has been received from the State Board of Elections and will be discussed in Executive Session.

### **Voter Registration**

Ms. Jurgensen reported that voter registration is current. She stated that staff is preparing to begin the mailing of the confirmation cards to voters who have moved; cards will be sent over a three day period beginning Tuesday, March 1, 2011. Ms.

Campbell reported that green voter notification cards are being mailed to the 46,000 voters who corrected their address with the postal service.

### **State Board of Elections**

Ms. Jurgensen stated that absentee statistics were provided Friday afternoon to the counties. Mrs. Jurgensen reported that staff has performed the post-election maintenance on one third of the voting units. However, a new directive was provided to the counties approximately seven days ago requiring further testing due to concerns regarding a potential dead zone on the screen; this will require staff to revisit all the units already tested (approximately one thousand). She noted that all units that need further maintenance have been shipped to the State Board Elections contractor for repair or removed from our facility. Ms. Jurgensen reported that there is a mandatory Election Director Meeting on March 8 in Annapolis, Maryland that she will be attending.

Ms. Jurgensen reported that SBE will place a consolidated order for replacement of CMOS batteries for all local boards. The batteries must be special-ordered from Japan and have a ten to twelve week lead time. She noted staff does not anticipate having the batteries until late June. Ms. Jurgensen stated that SBE recommends that CMOS battery replacement and preventative leg stand reinforcement be done at the same time. Mr. Quarshie explained that the CMOS batteries are being replaced because once the machine shuts down, the date returns to 2000.

### **Legislation**

Ms. Jurgensen provided the Board with copies of several pieces of legislation. After further discussion the Board requested the following action be taken:

- SB 820- Change Primary Election Dates: Ms Jurgensen will draft a letter to support change to April. Mr. Sullivan questioned whether this would solve issues surrounding the MOVE ACT and Ms. Jurgensen confirmed that it would.
- SB 409-Permanent Absentee List for Voters: The Board supports this proposal.
- HB1263- Early Voting: Increase Early Voting Centers From Six to Eight: The Board agreed that they would like flexibility in determining how many Centers to staff.
- SB 630- Petition Signatures: The Board opposes this Bill.

Mr. Garson also updated the Board on the status of legislation that pertains to special elections, electioneering boundaries, and campaign finance. He also mentioned it is likely the voting system replacement will be delayed to 2014.

### **Facility Issues**

Ms. Roher reported that the bathroom floor drains are not maintaining water resulting in unpleasant aroma. She noted that a meeting was scheduled with the plumber

today but he did not show up. The building engineer will work with the plumber to try a different type of trap. Ms. Roher reported that the major problem with the HVAC unit's shaft has been repaired, but required the unit to be shut down for approximately 10 days. She stated that staff was informed of the issue and was prepared for the cooler temperatures. She reported that minor problem - knocking in the vents in Administration - continues to be investigated.

## **Board Attorney Report**

### **Pending Issues**

Mr. Karpinski reported that the Office of the Attorney General asked the Court to expedite its decision regarding the EMS petition. He noted that he expects a decision within 60 days. Mr. Karpinski stated that he has a meeting with the county attorney to determine whether legislation requiring fund reports for petitions should be initiated at the council or state level. He is in the process of responding to two FOIA requests. Ms. Roher has provided him with budgetary information and Ms. Campbell will provide maintenance reports.

## **Old Business**

### **Election Review**

#### **Operations**

#### **Early Voting**

Ms. Jurgensen reported that during Early Voting, 26,746 voters voted in the General Election. She stated that the cost for all five centers for six days of voting was approximately \$180,000. Ms. Jurgensen informed the Board that costs were generally personnel, election judges, site managers, and elements related to security. She stated that the amount of overtime required by site managers was questioned and noted that she reviewed the overtime for all staff during the period of time and the site managers worked the same number of hours as the trainers in the office but fewer hours than the permanent staff. Ms. Jurgensen stated that working 20 or more overtime hours during the period of time surrounding the 14 days preceding the election and the fourteen days after the election is a requirement for any employee in the department and is based on the state deadlines for the work required and mandatory for all employees at BOE. Mr. Sullivan questioned whether precincts with low turn out could begin to shut down prior to 8 p.m. and Ms. Jurgensen responded that State law and SBE regulations prohibit that from being done.

### **Section 203**

Ms. Jurgensen reported that there were three precincts that had no assigned Spanish language election judges. In those precincts election judges were provided with information on the use of the language line. She stated that the current economy did have

an impact on the ability to recruit bi-lingual judges as downsizing reduced private and public sector flexibility to release personnel to serve as an election judge. Ms. Jurgensen stated that staff will review the possibility of using part-time judges for peak periods in the future. Mr. Zelaya reviewed his report entitled "2010 Primary Early Voting Spanish Speaking Judge Roster".

Mr. Garson inquired whether additional languages would be required as a result of the census. Mr. Zelaya responded that there were a sufficient number of Chinese speaking residents but they were not likely to meet the literary rate.

Mrs. Dacek stated that there were eight precincts that were in need of Republican election judges. She provided the precinct numbers to staff and requested that the recruiters place a special emphasis on them in future elections. Mr. Sullivan agreed that staff needs to increase efforts and suggested last minute transfer of election judges to ensure Republican representation in all precincts. Ms. Jurgensen noted that many instances these proposed transfers result in election judges resigning rather than take the transfer.

### **Election Judge Reports**

#### **Equipment**

The Board reviewed and discussed the spreadsheet provided in the packet regarding Election Day equipment.

Ms. Jurgensen reviewed the Chief Judge election equipment report with the Board noting areas of deficiency. There was a lengthy discussion regarding concerns with inaccurate recording of seal numbers on the various mandated logs. In general, Ms. Jurgensen concurred that IT staff needs to develop greater quality control with temporary staff to reduce the number of units with minor errors. She emphasized, however, that proper security controls and redundant security measures were in place to ensure accurate operation of all voting units.

#### **Paperwork**

Ms. Jurgensen gave a brief presentation on the forms that was completed by the Chief Judges. She reviewed the following forms:

0 means incomplete form

1 means properly completed form

- Opening checklist –Montgomery County compliance form (MC BOE) - 216 completed. Mr. Zelaya was requested to ask the training team to ensure that VIBBs units are adequately addressed during training.
- Chief Judge Report of Operations MC BOE compliance form- Completed by 236 precincts

- Chief Judge Election Day Log- MC BOE form - 240 completed forms
- Chief Judge Problem VAC Log- 168 forms completed, as needed form
- Closing Report – Required by regulation/SBE- 200 forms completed
- Integrity Report – SBE required by regulation - 239 forms completed
- EPB Integrity Report – SBE required by regulation - 237 forms completed
- Provisional Ballot Certificate – SBE required by regulation - 236 form completed
- Provisional Certificate signed by both chief judges- 209 signed

In response to a question from the Board Ms. Jurgensen confirmed that equipment with broken seals is only utilized if the zero report indicates that no votes have been cast. Mrs. Kiraly inquired whether a list of election judge comments was compiled. Ms. Jurgensen responded that all comments are reviewed and those relevant to items within MCBOE control are discussed.

## **IT**

Ms. Campbell reviewed her report with the Board and explained what data was used for her summation. Mr. Sullivan question why less equipment was used in the General than was used in the Primary. Ms. Jurgensen stated that the election judges requested the decrease due to reduced turn-out. Mr. Garson asked if equipment taken out of service during the Primary was used in the General. Ms. Campbell responded that it was only used if it passed logic and accuracy testing.

## **MC311 Lessons Learned**

Ms. Roher reported that she met with Janet Ross and our 311 Subject Matter Expert to discuss issues surrounding their assistance with coverage during peak election periods. She stated that BOE staff had no complaints regarding the handling of calls. Ms. Roher explained the following items that were noted by MC311:

- Modifying KBAs (knowledge based articles) for election time is too cumbersome; requesting generic KBAs with referral to BOE if additional questions arise
- Most KBAs need to be shorter; call takers are timed and can't read through lengthy KBAs – BOE staff to review and shorten this summer
- Press releases confusing – they weren't sure how to handle them; process will be revised this summer

Ms. Roher informed the Board that staff is concerned with the ability to have our Call Center due to fiscal cuts. She noted that there is a meeting next week for her to meet with Ms. Jurgensen and MC311 and she will update the Board next month.

## **New Business**

### **Performance Measures**

Mrs. Harris stated that she was honored to represent Montgomery County as an appointed member of this first, national task force on Benchmarking, established by The Election Center, a professional association of election officials, for the purpose of establishing performance measures to demonstrate effectiveness of the important processes of election administration. Mrs. Harris reported that three areas have been identified, for study and data collection, voter registration, voting and the conduct of elections, and counting and certifying results.

### **Report on the Executive Session**

The Montgomery County Board of Elections convened in Executive Session at 4:45 p.m., pursuant to State Government Article, Sections 10-508(a), 10-508(a)(13), and 10-508(a)(14) to discuss the warehouse rental/MOU, County Executive Budget, and review minutes from the previous Executive Session.

The Montgomery County Board of Elections met in closed session on this date. The following members of the Board and staff were in attendance: Jerrold Garson, John Sullivan, Nancy Dacek, Nahid Khozeimeh, Mary Kiraly, Lucia Nazarian, Sara Harris, Marjorie Roher, Kevin Karpinski, and Renee Adams.

### **Warehouse Rental/Memorandum of Understanding**

Ms. Roher discussed issues surrounding the SBE MOU for warehouse rental.

### **County Executive FY12 Budget**

Ms. Jurgensen updated the Board on the County Executive's FY12 Budget.

### **Executive Session Minutes**

Ms. Roher distributed minutes from the January 24, 2011, Executive Session for review.

There were no other items discussed in Executive Session.

A motion was made by Mr. Sullivan to adjourn the Executive Session and reconvene in regular session. The motion was seconded by Mrs. Khozeimeh and carried unanimously, with the Board reconvening in regular session at 5:16 p.m.

### **Executive Session Minutes**

A motion was made by Mrs. Dacek to approve the Executive Session Minutes from the January 24, 2011, meeting as submitted. The motion was seconded by Mr. Sullivan and carried unanimously.

### **Future Meetings**

- A. March 28, 2011
- B. April 25, 2011
- C. May 23, 2011
- D. June 13, 2011
- E. June 14, 2011- SBE Biennial Conference in Ocean City.
- F. July 25, 2011
- G. August, 22, 2011 – *tentative*
- H. September 26, 2011
- I. October 24, 2011
- J. November 21, 2011
- K. December 19, 2011 – *tentative*

### **Adjournment**

With no further business, a motion was made by Mr. Sullivan to adjourn the meeting. The motion was seconded by Mr. Garson and carried unanimously. The meeting was adjourned at 5:17 p.m.

**APPROVED**

Respectfully submitted,

*Marjorie M. Roher*

Marjorie M. Roher  
Management & Budget Specialist III

APPROVED BY THE BOARD:

*Jerrold S. Garson*

Jerrold S. Garson  
Board President